

### REMARKS

Claims 17-24 are now pending in this application. Claim 17 has been amended to further define applicants invention and Claim 23 has been amended to address formalities unrelated to patentability.

Favorable consideration and early passage to issue of the present divisional application are respectfully requested.

Claims 17-24 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 26 of parent U.S. Patent No. 6,383,047 (Minami et al.) in view of European Patent Application EP 0 788 130 A2 (Yamanobe).

As amended, independent Claim 17 recites:

“17. A method for manufacturing a cathode, comprising the steps of:  
    (A) a step of forming a pair of electrodes on a substrate;  
    (B) a step of forming a film comprising a polymer so that the film connects the pair of electrodes; and  
    (C) a step of forming a gap at the film and of forming first and second portions including at least one of amorphous carbon and graphite, which are formed by carbonizing the polymer, at a portion of the film,  
    wherein the gap, and the first and second portions are formed substantially simultaneously by applying a voltage between the electrodes, and wherein the first and second portions are adjacent to the gap and oppose one another on opposite sides of the gap.”

On the other hand, Claim 26 of Minami et al. does not recite a method for manufacturing a cathode, having features as set forth in Claim 17, wherein the gap, and first and second portions are formed substantially simultaneously by applying a voltage between the electrodes, as recited in Claim 17 of the present invention.

Yamanobe, although well-suited for its intended purpose, does not teach

anything which is understood that would cure the above-noted deficiency of Claim 26 of Minami et al.

Accordingly, Claim 17 is believed to be patentably distinguishable over Claim 26 of Minami et al., Yamanobe, and any permissible combination of the two.


A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above. Claim 17 is therefore believed patentable over the art of record.

The other claims in this application are each dependent from Claim 17 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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